

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19717 of 2024

Arising Out of PS. Case No.-314 Year-2023 Thana- AWTARNAGAR District- Saran

Raushan Ansari @ Md. Raushan Ansari Son of Md Salim @ Md Salim Ansari
Resident of vill.-Mathiya, P.S.-Awatarnagar, Distt.-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 27-01-2025 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in custody in connection with
Awatarnagar P.S. Case No. 314 of 2023 instituted under
Sections 409, 406, 188 of the Indian Penal Code lodged on
1.11.2023 by the informant, Mritunjay Kumar.

3. As per the prosecution story, the Block Panchayat
Raj Officer-cum/Executive Officer, Saran has alleged that Sazda
Khatun was allotted Rs. 11 lakhs for the work but on enquiry, it
was found that only work worth Rs. 1,72,450/- has been done
while amount of rest Rs. 9,27,550/- has been defalcated.
Accordingly, the FIR.

4. Earlier, on 26.04.2024, on the basis of the



submission by the learned Senior Counsel that he is ready to satisfy the District Panchayat Raj Officer, Saran with all the relating documents to show that he has completed the work, this Court granted him provisional bail with a direction to appear before the said officer and to satisfy him.

5. A counter affidavit has come on behalf of District Panchayat Raj Officer, Saran at Chapra and paragraph nos. 7 and 8 read as follows:

7. That, in view of the aforementioned submission the Hon'ble court has directed to the petitioner to "appear before D.P.R.O. Saran at Chhapra on 9th May 2024 at 3.00 pm in his office, whereafter DPRO Saran at Chhapra shall be free to fix the date on which the petitioner shall provide all the document and satisfy on the expenditure that has been made relating to the amount (Rs 11.00.000/-) taken by him".

8. That, in compliance of the aforesaid order of this Hon'ble court petitioner submitted an application in the office of the DPRO, Saran at Chhapra on



09.05.2024 but thereafter he never came before the deponent nor filed any document in the office. As such the deponent not filed counter affidavit on his behalf within time.

6. It has been further recorded in the counter affidavit that since the petitioner failed to appear, the deponent directed the Block Panchayat Raj Officer, Dariyapur, Saran to physically inspect and submit report who submitted that now he is carrying out the work.

7. Certainly, the conduct of the petitioner is questionable. Earlier, his case was that he has completed the job, got provisional bail on the condition that he will satisfy the District Panchayat Raj Officer, Saran at Chapra. As per the unrebutted counter affidavit, he never appeared before the said officer nor submitted any report and in between, is trying to complete the work.

8. This conduct is deprecable. Though learned Senior Counsel tried to impress upon this Court that he is now completing the job, the FIR seems to have been rightly lodged against him.

9. The petition stands dismissed. The petitioner shall surrender within one week from today failing which the



Superintendent of Police, Saran at Chapra shall ensure that he is put behind bar.

10. Let a copy of the order be sent to the S.P., Saran at Chapra for his perusal and necessary action.

(Rajiv Roy, J)

Vijay Singh/-

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